



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SMC
Docket No: 01807-99
22 October 1999

ET [REDACTED] USN
[REDACTED]
[REDACTED]

Dear Petty Officer [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 October 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 7 June 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion, except they noted you requested removing the evaluation in question, not just the letter-supplement pertaining to it. They noted the letter-supplement does not specify the "Information received after report was written" which, according to the letter-supplement, justifies a more favorable promotion recommendation. Therefore, they were unable to find the contested original report did not fairly and accurately evaluate you. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



187-99

DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1610
PERS-311
7 JUN 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00XCB)

Subj: ET2 [REDACTED] USN, [REDACTED]

Ref: (a) BUPERSINST 1610.10

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests removal of a letter-supplement for the period 1 April 1995 to 15 March 1996.

2. Based on our review of the material provided, we find the following:

a. A review of the member's digitized record did not reveal the letter-supplement in question; however, the member provides a copy of the letter with her petition. The letter-supplement was found suitable for file, and is in the process of being placed in the member's digitized record.

b. A further review of the member's digitized record revealed missing reports for the period 16 March 1997 to 15 March 1999.

c. The member feels the letter-supplement is invalid due to reference (a) stating block 45 of the evaluation may not be changed by letter; a new evaluation must be submitted. We are unable to identify the above statement in reference (a).

d. Reference (a), Annex P. paragraph P-4, encourages the reporting senior's to submit supplementary material using a letter-supplement vice a supplemental report. Either methods of submission are acceptable. The letter-supplement was prepared per reference (a), and is valid.

e. The member does not prove the report to be unjust or in error.

3. We recommend retention of the letter-supplement. We also

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Subj: ET2 [REDACTED] USN, [REDACTED]

recommend that the member provide PERS-311 with the missing reports, in order to maintain report continuity.

[REDACTED]

Head, Performance
Evaluation Branch